

CLAIM AMENDMENTS

245. (currently amended) A nucleic acid construct which comprises a nucleic acid sequence which encodes a non-eukaryotic polymerase, ~~said sequence encoding said non-eukaryotic polymerase further comprises comprising~~ an intron, non-native to said polymerase, wherein said intron sequence is within the sequence encoding said polymerase and wherein said polymerase is ~~is~~ (a) incapable of expression in an incompatible cell, whereas said incompatibility is due to failure of expression of said polymerase due to the presence of said non-native intron expressed solely in a eukaryotic cell and said polymerase ~~and~~ (b) is capable of producing more than one copy of a nucleic acid sequence from said construct when introduced into a eukaryotic compatible cell.

246. (previously presented) The construct of claim 245, further comprising a recognition site for said polymerase.

247. (previously presented) The construct of claim 246, wherein said recognition site is complementary to a primer for said polymerase.

248. (previously presented) The construct of claim 247, wherein said primer comprises transfer RNA (tRNA).

249. (previously presented) The construct of claim 245, wherein said non-eukaryotic polymerase is selected from the group consisting of RNA polymerase, DNA polymerase, reverse transcriptase, and a combination thereof.

250. (previously presented) The construct of claim 249, wherein said RNA polymerase is a bacteriophage RNA polymerase.

251. (previously presented) The construct of claim 250, wherein said bacteriophage RNA polymerase is selected from the group consisting of T3, T7 and SP6, and a combination thereof.

252. (previously presented) The construct of claim 246, wherein said recognition site is a promoter for said RNA polymerase.

253. (previously presented) The construct of claim 245, wherein said nucleic acid produced from said construct is selected from the group consisting of DNA, RNA, a DNA-RNA hybrid and a DNA-RNA chimera, or a combination of the foregoing.

254. (previously presented) The construct of claim 253, wherein said DNA or RNA comprises sense or antisense, or both.

255. (previously presented) A nucleic acid construct which produces a gene product comprising an intron non-native to said gene product when introduced into a non-eukaryotic incompatible cell, wherein (a) said intron sequence is within the sequence encoding said gene product; (b) said incompatibility is due to failure of expression of said gene product due to the presence of said intron; and ~~produces a non-eukaryotic gene product comprising a eukaryotic intron, which when in a eukaryotic cell, said intron is removed during processing and wherein (c) said gene product or protein expressed from a said gene product would be toxic specifically to a non-eukaryotic an incompatible cell in the absence of said non-native intron.~~

Claims 256 and 257 (canceled).

258. (previously presented) The construct of claim 255, wherein said gene product is single stranded.

Claims 259-261 (canceled)

262. (new) A nucleic acid construct which when introduced into an incompatible cell produces a gene product comprising an intron non-native to said gene product, wherein said intron sequence is inserted within the sequence encoding said gene product and

immediately 3' to (C/A)AG and said incompatibility is due to failure of expression of said gene product due to the presence of said intron, which when in a compatible cell, said intron sequence is substantially removed during processing.